

POLICY



C001 Councillor Interaction with Staff

1 Purpose

This Policy provides a clear framework for how councillors interact with Council staff.

This Policy will assist councillors to comply with their obligations under the *Local Government Act (Vic) 2020 (Act)*.

2 Scope

This Policy applies to all councillors of Hindmarsh Shire Council.

3 Objective

This Policy is to be read in conjunction with the Councillor Code of Conduct. The objectives of this Policy are to:

- Recognise the roles of councillors
- Outline how councillors can interact with Council staff;
- Assist councillors in respecting the roles of others in the organisation;
- Maintain transparent decision making and governance arrangements;
- Provide clear guidelines to assist councillors in receiving advice, support and information to support them in carrying out their official council duties;
- Support the compliance with the Act, in particular, section 123 3(c) misuse of position including directing or improperly influencing, or seeking to direct or improperly influence, a member of Council staff and section 124, which states that a councillor must not intentionally direct, or seek to direct, a member of Council staff.
- Recognise the responsibility of the Council in ensuring that it meets the responsibilities of the Occupational Health and Safety Act 2004 and the Equal Opportunity Act 2010 to protect people from risks to their health and safety including harassment, bullying, violence, vilification and discrimination.

4 Definitions

Council means Hindmarsh Shire Council

CEO means the Chief Executive Officer of Hindmarsh Shire Council

Act means *Local Government Act 2020*

ELT means Executive Leadership Team as constituted from time to time

5 Role of Councillors

The role of councillors is:

- to participate in decision making of the Council;
- to represent the municipal community in that decision making; and
- to contribute to the strategic direction of the Council through the development and review of key strategic documents of the Council, including the Council Plan.¹

The role of a councillor excludes the performance of any functions that are specified as functions of the chief executive officer as set out in section 46 of the Act and referred to in this policy.

6 Misuse of position – s 123(3) (c)

Under s123(c), councillors must not use their position to intentionally direct or influence or seek to direct or influence a member of council staff in any of the Council staff powers, duties or functions under the Act.

Under the Act, the penalty for a councillor who breaches section 123 can be 600 penalty units or imprisonment for 5 years.

7 Directing a member of Council staff – s124

Under Section 124 of the Act, a councillor must not intentionally direct, or seek to direct, a member Council staff:

- in the exercise of a delegated power, or the performance of a delegated duty or function, of the Council; or
- in the exercise of a power or the performance of a duty or function exercised or performed by the member as an authorised officer under this Act or any other act; or
- in the exercise of a power or the performance of a duty or function the member exercises or performs in an office or position the member holds under this Act or any other Act; or
- in relation to advice provided to the Council or a delegated committee, including advice in a report to the Council or delegated committee.

Under the Act, the penalty for a councillor who breaches section 124 can be 120 penalty units.

¹ *Local Government Act 2020, s28.*

8 Who may Councillors interact with?

8.1 The CEO and the ELT

The primary point of contact within Hindmarsh Shire Council for Councillors is the CEO.

Councillors may have direct contact with the CEO and the ELT to seek advice, support or information to support the councillors in carrying out their official council duties.

8.2 Council staff supporting the Mayor and Councillors

The CEO will determine the appropriate allocation of Council resources required to best support the mayor and councillors to undertake their role, including the nomination of Council staff to provide support to the mayor and councillors.

The CEO may, from time to time, amend these protocols to reflect changes in the Council staff nominated to support the mayor and councillors.

All Council staff nominated by the CEO to provide support to councillors will at all times report to and work under the direction of the CEO and must not be directed by councillors.

8.3 Other Council Staff

Councillors will not request advice, information or support from any Council staff not nominated by the CEO in this Policy, unless expressly authorised by the CEO or the ELT to do so.

9 Access to Council facilities as patrons

Councillors may access Council facilities or services as patrons. Councillors will have the same, but not greater, access to any Council facilities or services as any other member of the public.

Where a councillor accesses a Council facility or service as a patron that Councillor must ensure that they interact with Council staff at that Council facility as a member of the public and not in their role as a councillor.

10 Who do councillors ask for support?

Councillors may seek advice, support and information in accordance with Appendix 1.

11 Councillor interactions with staff outside their Councillor Role

Councillors may from time need to interact with a member of Council staff outside of their councillor role. Councillors must ensure that their interactions with Council staff could not be construed as influencing, or seeking to influence or direct Council staff.

Councillor interactions with Council staff must be respectful, whether the interaction occurs whilst a councillor is performing their role or not.

12 References

Related documents	Legislation
Councillor Code of Conduct	Local Government Act (Vic) 2020 Occupational Health and Safety Act 2004 Equal Opportunity Act 2010

13 Document Control

C001 Hindmarsh Shire Council Councillor Interaction with Staff Policy		Policy Category	Council
Version Number	1.0	Policy Status	ADOPTED
Approved/Adopted by	Chief Executive Officer	Approved/Adopted on:	5 November 2020
Responsible Officer	Chief Executive Officer		
Version History	Date	Version	Description
	05/11/2020	01	New policy

Appendix 1 Councillor Support

	CEO	RELEVANT DIRECTOR	EA
Councillor Support Services (reimbursements/expenses/travel)			✓
Phone/IT Support			✓
Councillor Requests for information and advice	✓	✓	✓
Governance Advice	✓	✓	
Media & Communications		✓	
Mayoral Media & Communications	✓		
Mayoral Diary and Meetings	✓		✓
Advice to the Mayor on any issue	✓	✓	
Executive Correspondence			✓
Correspondence (Mayor)			✓
Operational Issues – Service Delivery	✓	✓	
Planning Matters	✓	✓	
Enforcement related matters	✓	✓	
Code of Conduct	✓	✓	